

C # 95

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Search of The PREMISES
known and described as the email account
[REDACTED]@MSN.COM, which is
controlled by Microsoft Corporation

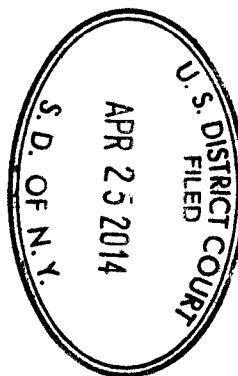
Action Nos. 13-MAG-2814, M9-150

I, [REDACTED] declare as follows:

1. I am a Lead Program Manager for Microsoft Corporation. I have worked for Microsoft since 2002. I have a B.S. from Stanford University and have worked in Hotmail/Outlook.com as an infrastructure Program Manager/Lead Program Manager during my tenure at Microsoft.

2. In my current position, I am responsible for managing the storage "backend" for Outlook.com, which is the current Internet domain name for Microsoft's web-based customer email service. This means that I manage the software and hardware that stores Outlook.com users' emails in Microsoft datacenters so that they can be accessed remotely by users from a variety of mobile and desktop computing devices. I have personal knowledge of the facts stated in this declaration.

3. Microsoft has owned and operated free, web-based email since at least 1997, and this service has operated at various times under different domain names, including Hotmail.com, MSN.com, and Outlook.com. Outlook.com was created in 2013. Users with Outlook.com accounts log on to the service by navigating to the "Outlook.com" web address and by providing their usernames and passwords. Users can also access Outlook.com through their mobile



devices. Once they have logged in, users are able to send and receive email messages and store messages in personalized folders.

4. Email messages contain two basic categories of information. First, messages contain content information: the body of an email and its subject line. Second, messages contain non-content information about the email message, such as its sender, the address of its recipient, and the date and time of transmission.

5. Messages sent and received by users of Microsoft's web-based email services are stored in Microsoft datacenters. Microsoft, through its wholly-owned Irish subsidiary, Microsoft Ireland Operations Limited, leases and operates a datacenter in Dublin, Ireland. Starting in September 2010, Microsoft began storing data for certain web-based email accounts in the Dublin datacenter. [REDACTED]

[REDACTED] Microsoft stores email account data in the Dublin datacenter depending on information provided by the user during the account registration process. Specifically, when a user first activates a new account, he or she is asked a series of questions, including "Where are you from?" In response to this question, a user must choose a country from a drop-down menu, and each country is assigned a unique country code. Accounts associated with certain country codes are hosted from the Dublin datacenter [REDACTED]

[REDACTED]

[REDACTED]

6. Microsoft decides where to store email account data in part to reduce "network latency." Network latency is the principle of network architecture that the greater the geographic distance between a user and the datacenter where the user's data is stored, the slower the service.

The advantage of storing email account data in Dublin is that it allows Microsoft to enhance network efficiency for its users.

7. [REDACTED]

[REDACTED] Several times each day,

Microsoft's backend software runs an automatic scan to determine whether newly-created accounts should be migrated to the Dublin datacenter based on their country code. Once an account is migrated to the Dublin datacenter, all content and non-content information associated with the account in the United States is marked for deletion and is subsequently deleted from Microsoft's U.S.-based servers.

8. For each web-based email account, several copies of the email content and non-content information are created for purposes of redundancy, and the redundant copies are updated on a continuous basis. For accounts stored in Dublin, none of the redundant copies of data are stored in the United States.

9. With the three exceptions discussed below, web-based email user data stored in Dublin is not stored in the United States. Thus, with these three exceptions, if Microsoft were to receive a legal demand from the government for user data stored in Dublin, the only way to access that data would be from the Dublin datacenter.

10. The three exceptions referred to above are: (1) for testing and quality control purposes, Microsoft operates a "data warehouse" in the United States that contains certain non-content information about web-based email accounts, including accounts stored in Dublin; (2) for certain web-based email accounts, including accounts hosted from Dublin, users' online "address book" information is stored in Microsoft's "address book clearing house" ("ABCH"), another centralized database stored on servers in the United States; and (3) Microsoft maintains

in the United States a database of basic non-content information about web-based email user accounts, such as the name and country provided during registration.

11. Subject to these three exceptions, all account information associated with Microsoft web-based email accounts hosted in Dublin is stored exclusively in Dublin and can be accessed only from the Dublin datacenter.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12/17/13

